

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

THE FOX GROUP, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:10cv314 (RBS)
)	
CREE, INC.,)	
)	
Defendant.)	
)	
)	
)	
)	

JOINT CLAIM CONSTRUCTION AND PRE-HEARING STATEMENT

Pursuant to Scheduling Order (Dkt. No. 36), the parties submit this Joint Statement regarding the claim construction hearing to be scheduled by this Court.

1. The parties anticipate that the claim construction hearing will require a total of five hours. The parties propose to divide the time equally. Each party will present an opening of 15 minutes or less and then the parties will proceed on a party-by-party basis, with Fox proceeding first and Cree proceeding after Fox. The parties do not propose to call live witnesses and any tutorials shall be presented by counsel. Each side will reserve a certain amount of their time for rebuttal.

2. The parties have attached a Joint Claim Construction Chart to this Statement as **Exhibits 1 and 2**. The Chart is divided by the patents-in-suit and the claim terms at issue. The Joint Claim Construction Chart identifies the parties' proposed constructions along with the support for those constructions in a columnar fashion. As set forth in the parties' respective Claim Construction Briefs, there is a fundamental dispute as to how the claim terms at issue

should be considered by the Court. Although the parties have attempted to simplify the issues for the Court in their joint chart, the dispute has caused the complexity of the Joint Claim Construction Chart. The Joint Claim Construction Chart is not intended to supersede the Claim Construction Briefs previously filed.

Dated: February 24, 2011

Respectfully submitted,

/s/ Stephen E. Noona

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CERTIFICATE OF SERVICE

I hereby certify that on February 24, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will then send notification of such filing to the following:

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